

Remarks

This Request for Continued Examination and Amendment is responsive to the **June 20, 2008** Final Office Action. Reexamination and reconsideration of **claims 1-2 and 4-23** is respectfully requested. Independent claims 1 and 21 have been amended to make more clear that the bindings are three way bindings between a client device, a network application having multiple replicas operating in a distributed networking environment, and a single replica of an application with which a client device has established a state. Burbeck only discloses a two way binding that preserves information, but not state, associated with a single peer in a peer to peer network. Thus, none of the claims are made obvious by Burbeck or the combination of references because **a two way binding in a peer to peer network that does not preserve session state does not make obvious a three way binding in a client server distributed network that preserves session state.**

Docket No. CISCO-279423 (*Previously CIS03-17 (7429)*)
Application No. 10/706,360

Summary of The Office Action

Claims 1-27 were rejected under 35 U.S.C. §103(a) as being unpatentable over Burbeck et al. (US Pat. 7,143,139)(Burbeck), and further in view of Srivastava (US Pat. 7,047,315)(Srivastava).

Response

35 U.S.C. §103

Claims 1-27 were rejected under 35 U.S.C. §103(a) as being unpatentable over Burbeck and further in view of Srivastava. To establish a prima facie case of 35 U.S.C. §103 obviousness, basic criteria must be met. The prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP 2143.(A) Section 2131 of the MPEP recites how "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). This same standard applies to 103 rejections as evidenced by Section 2143(A) of the MPEP, which reads: "The rationale to support a conclusion that the claim would have been obvious is that **all the claimed elements** were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions".

When establishing a prima facie case of obviousness the Office must clearly articulate the reason(s) the claimed invention would have been obvious. MPEP 2142 recites that:

The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in *KSR International Co. v. Teleflex Inc.*, 550 U.S. ___, ___, 82 USPQ2d 1385, 1396 (2007) noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit. The Federal Circuit has stated that "rejections on obviousness cannot be sustained with mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006). See also *KSR*, 550 U.S. at ___, 82 USPQ2d at 1396 (quoting Federal Circuit statement with approval).

Additionally, the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). This requirement is intended to prevent unacceptable "hindsight reconstruction" where Applicant's invention is recreated from references using the Application as a blueprint.

Here, the criteria for establishing a prima facie case of obviousness are not satisfied since the combination of references does not teach or suggest all the claim limitations. None of the references, alone and/or in combination, teach a router configured with a database that stores three way bindings that facilitate maintaining state between a client device, a networked application operating multiple replicas in a distributed network environment having multiple routers, and a replica of a network application. Thus, none of the claims are obvious for at least this reason.

This application concerns maintaining state between a client device and a replica of a network application by using three way bindings. This solves a problem associated with Domain Name Service (DNS) bindings timing out. When a client device accesses a replica of an application, a session state will be associated with the client device and the replica. However, a session between a client device and a replica of an application may last longer than a DNS binding for the replica. Thus, the session state may be lost. This is undesirable.

The application describes how a router and/or set of routers can be configured with a database that stores three way bindings that relate a client device, a network application operating with multiple replicas in a distributed network environment, and a single replica of the network application. Figure 3 of the originally filed application shows a record from this database of three way bindings. Using this database of three way bindings, session state can be maintained because both initial and subsequent requests from a client device to use a networked

application can be routed to the replica of the networked application with which the client device first interacted. Since a network may have a number of routers, the database of three way bindings may be replicated to other routers associated with the network. This replication may require version control, sequencing, and so on, as described in the application.

Figure 3 illustrates a three way binding record. The three way binding relates a client device to a network application and to a replica of an application. The client device may be identified by an Internet Protocol (IP) address. Similarly, the replica may be identified by an IP address. The application may be represented by a DNS name. The third full paragraph on page 13 of the originally filed application describes how a binding 300 includes an application identifier 305, a client identifier 310, and an application copy identifier 315.

Burbeck does not describe three way bindings. Instead Burbeck describes a two way binding that facilitates identifying a peer that may move around in a peer to peer network. Burbeck describes a two way binding at column 12, lines 7-43. The two way binding includes an IP address of the peer, a date, a time, and a domain. The two way binding does not include a client device identifier. Thus, the two way binding in Burbeck can not possibly facilitate maintaining session state between a client device and a replica of a networked application. Srivastava does not cure the defect of Burbeck. Additionally, Burbeck can not be modified to include the device identifier because there is no concept of a device identifier in the type of peer to peer networking described in Burbeck. The peers in Burbeck are free to migrate around a network, and thus paths between peers are dynamic. This makes Burbeck incompatible with the concept of three way bindings and thus not combinable with any reference that discloses three way bindings, if any such reference exists.

Docket No. CISCO-279423 (*Previously CIS03-17 (7429)*)
Application No. 10/706,360

For at least this reason none of the amended claims are obvious over the combination of references leaving all the remaining claims in condition for allowance.

Docket No. CISCO-279423 (Previously CIS03-17 (7429))
Application No. 10/706,360

Conclusion

For the reasons set forth above, **claims 1-2 and 4-23** patentably and unobviously distinguish over the references and are allowable. An early allowance of these claims is earnestly solicited.

Respectfully submitted,

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